

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1419**

**Introduced by Assembly Member Hancock Committee on Budget**

February 21, 2003

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~~An act to amend Section 60640, 60642, and 60642.5 of the Education Code, relating to pupils. An act to amend Sections 18724, 18731, 18741, 18743, 18744, 33050, 42142, 42238.12, and 52055.650 of, to add Sections 18744.5, 19329, and 60227 to, to repeal Sections 426, 14044, 18745, and 42238.46 of, to repeal Article 8 (commencing with Section 18202) of Chapter 2 of, and Article 4.2 (commencing with Section 18733) of, and Article 4.5 (commencing with Section 18735) of, Chapter 4 of, Part 11 of, to repeal Chapter 4.5 (commencing with Section 18800) of Part 11 of, Chapter 17 (commencing with Section 53080) of Part 28 of, Chapter 6 (commencing with Section 60800) of Part 33 of, and Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal Part 8.5 (commencing with Section 13000) of, the Education Code, to amend Sections 3540.2 and 3547.5 of the Government Code, and to repeal Chapter 1.2 (commencing with Section 628 of Title 15 of Part 1 of the Penal Code, relating to school finance.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1419, as amended, Hancock. ~~Pupils: assessment~~ School finance.

(1) Existing law requires the State Librarian to contract for an evaluation of the English Language and intensive Literacy Program

*that is administered by the State Library. Existing law requires the State Librarian to submit interim reports to the Legislature.*

*This bill would repeal these provisions.*

*(2) Existing law establishes the California Civil Liberties Public Education Act for the purpose of sponsoring public educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered and that the causes and circumstances of this and similar events may be illuminated and understood.*

*This bill would repeal the California Civil Liberties Public Education Act.*

*(3) Existing law establishes the California Classroom Library Materials Act of 1999 under which tax exempt donations from private entities are made available to school districts for the purchase of reading materials for kindergarten and grades 1 to 4, inclusive.*

*This bill would repeal the California Classroom Library Materials Act of 1999.*

*(4) Existing law establishes the Library of California Act under which programs elements of the California Library Services Act would be phased out and repealed. The California Library Services Act includes the California Library Literary Service Program and the Families for Literacy Program.*

*This bill would repeal the Library of California Act, and reinstate the California Library Services Act. The bill would repeal the California Library Literary Service Program and the Families for Literacy Program.*

*Existing law requires the California Library Services board to, among other things, develop formulas for the equitable allocation of reimbursements for direct and interlibrary loans and to submit those formulas to the Department of Finance for approval.*

*The bill would no longer require the submission of those formulas for approval.*

*Existing law requires that libraries participating in universal borrowing be reimbursed for handling costs of the net loans, that member libraries of defined library system that provide equal access to all residents of the area served by the system be reimbursed for handling costs of net loans and for each interlibrary loan between member libraries.*



*The bill would authorize, and no longer require, those reimbursements. The bill would authorize a library that is a member of a regional library network to change user fees to cover cost of resource sharing.*

*Existing law requires defined library systems to receive an annual allowance for the improvement and maintenance of coordinated reference service support for members of the system.*

*The bill would condition the receipt of that allowance on an appropriation for funds for that purpose.*

*(5) Existing law establishes the State Library as a division in the State Department of Education and authorizes the State Librarian to prescribe rules and regulations permitting persons to have use of books from the library.*

*This bill would require the State Librarian to establish a schedule of library user fees, would authorize the State Librarian to establish a fee for a state library card, and would authorize the State Librarian or the California State Library Foundation to accept donations to the State Library of materials and funds for their preservation, storage, and use as charitable contributions for tax purposes.*

*(6) Existing law authorizes the governing board of a school district and the governing board of a county board of education to request the State Board of Education to waive provisions of the Education Code and implementing regulations adopted by the State Board Of Education except certain enumerated provisions and requires the State Board of Education to approve requests for waivers unless the board makes certain findings.*

*This bill would prohibit the request for, and the granting of, a waiver to allow a pupil to be admitted to a regional occupational center or program or to credit his or her attendance to a regional occupational center or program if the pupil is not 16 years old unless the pupil is in grade 11 or 12 or the pupil's individualized education program prescribes enrollment in a regional occupational center or program.*

*(7) Existing law requires the superintendent of a school district to forward to the county superintendent of schools, within 45 days of adopting a collective bargaining agreement, any revisions to the current year budget of the school district that are necessary to fulfill the terms of that agreement.*

*This bill would require the superintendent of a school district to forward to the county superintendent of schools before adopting a collective bargaining agreement an analysis of the fiscal impact of the*

*agreement on the current year budget and the subsequent 2 years and to revise the current year budget to reflect the terms of the agreement. The bill would require the school district, at a regularly scheduled meeting of the governing board of the school district, to consider the response from the county superintendent of schools before ratifying the agreement.*

*(8) Existing law requires the county superintendent of schools to adjust the total revenue limit for each school district in the jurisdiction of the county superintendent of schools by the amount of increased or decreased employer contributions to the Public Employees' Retirement System (PERS) and sets forth a method for calculating that amount for the 1995–96 fiscal year and each fiscal year thereafter. Existing law appropriates \$35,000,000 from the General Fund to Section A of the State School Fund for purposes of limiting the reductions to revenue limits for the 2003–04 fiscal year and limits reductions to revenue limits for the 2004–05 fiscal year and each fiscal year thereafter to \$35,000,000 increased annually by cost-of-living adjustments, as specified.*

*This bill would, prohibit certain revenue limit reductions from being applied, for the 2002–03 fiscal year and each fiscal year thereafter, to the amount of the increase or decrease to the revenue limits of school districts. The bill would, in addition, delete the appropriation described above.*

*(9) Existing law provides two equalization adjustments for each school district for the 2003–04 fiscal year.*

*This bill would repeal the equalization adjustment that would ensure that no district's 2002–03 adjusted base revenue limit per unit of average daily attendance is less than the 2002–03 adjusted base revenue limit above which fall not more than 8.25% of the total statewide units of daily attendance for the appropriate size and type of district.*

*(10) Existing law establishes the High Priority School Grant Program under which funds are made available to eligible schools for implementation of an school action plan that includes specified components.*

*This bill would provide that a school participating in the program that received a planning grant in the 1999–2000 fiscal year is eligible to receive program funding in the 2002–03 fiscal year only and that a school participating in the program that received a planning grant in*



*the 2000–01 fiscal year is eligible to receive program funding in the 2002–03 and 2003–04 fiscal years only.*

*(11) Existing law establishes the interagency Partnership for School-to-Career Programs which awards grants to local partnerships for specified purposes regarding school-to-career programs.*

*This bill would repeal the these provisions.*

*(12) Existing law requires the State Board of Education to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, and requires the board to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the 6 and 8 year cycles for the submission of instructional materials for purposes of adoption.*

*This bill would require the State Department Of Education to collect reimbursements from publishers and manufacturers who submit instructional materials for follow up adoption to cover expenses it and the State Board of Education incur for performing a followup adoption after the first opportunity to offer materials for adoption following the revision of a curriculum framework.*

*(13) Existing law requires a school district that maintains any of grades 5, 7, and 9 to administer to each pupil in those grades a physical performance test designated by the State Board of Education.*

*This bill would delete provisions regarding this requirement.*

*(14) Existing law requires a school district that has a qualified or negative certification as a result of certain required financial is required to allow the county office of education 6 days to review and comment on a proposed collective bargaining agreement between it and the exclusive representative of school district employees.*

*This bill would broaden this requirement by requiring all school districts to allow the county office of education to review and comment on a proposed collective bargaining agreement. The bill would increase to 15 days the amount of time allowed to the county office of education for the performance of this duty. By applying this requirement to all school districts and by increasing the number of school district collective bargaining agreements a county office of education must review and comment on, the bill would impose a state-mandated local program.*

*(15) Existing law requires a public school employer, as defined, to disclose at a public meeting the major provisions of a proposed collective bargaining agreement.*

*This bill would require the district superintendent and the chief business official of the school district to certify in writing that the costs incurred by the school district under the proposed agreement can be met by the district for the current and 2 subsequent fiscal years, thereby imposing a state-mandated local program.*

*(16) Existing law requires that school districts report on crimes committed on school grounds, as specified. Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form. Existing law requires the department to identify guidelines for reporting, and documentation for validating, the incidents of each crime description included on the standard school crime reporting forms, as specified.*

*This bill would repeal provisions regarding the reporting of school crime.*

*(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2003.~~

~~Existing law, the Standardized Testing and Reporting Program, requires that each school district, charter school, and county office of education administer to each of its pupils in grades 2 to 11, inclusive, a designated achievement test and a standards-based achievement test. Existing law authorizes a school district to allow a pupil of limited English proficiency to take a second achievement test in his or her primary language, and requires the State Board of Education to designate a single primary language test in each language for which a test is available.~~

~~This bill would exclude pupils in grade 2 from this testing requirement and make conforming changes. The bill would require the State Board of Education, to develop and adopt, by February 1, 2007,~~



an achievement test in the most common primary language of pupils enrolled in the public schools in the 2001-02 school year other than English, and would upon adoption of the test authorize pupils with that primary language to take the test in that language in lieu of taking the test in English.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 60640 of the Education Code is~~  
2     ~~SECTION 1. Section 426 of the Education Code is repealed.~~  
3     ~~426. (a) The State Librarian, with input from the Legislative~~  
4     ~~Analyst's office, the office of the Secretary for Education, and the~~  
5     ~~Department of Finance, shall contract with an independent~~  
6     ~~evaluator to evaluate the portion of the English Language and~~  
7     ~~Intensive Literacy Program that is administered by the State~~  
8     ~~Library, as listed in Item 6120-212-0001 of Section 2.00 of the~~  
9     ~~Budget Act of 2000. The evaluation shall determine the~~  
10    ~~effectiveness of this program, including, but not limited to,~~  
11    ~~improving English language proficiency and identifying the most~~  
12    ~~effective practices for teaching English language learners and their~~  
13    ~~families in improving English language proficiency.~~  
14    ~~(b) The State Librarian shall provide interim reports to the~~  
15    ~~Legislature that include, but are not limited to, the following:~~  
16    ~~(1) The amount of funding allocated.~~  
17    ~~(2) The number of libraries or schools participating in the~~  
18    ~~program.~~  
19    ~~(3) The number of English language learners participating in~~  
20    ~~this program.~~  
21    ~~(4) The number of parents participating in the program.~~  
22    ~~(c) The first report is due March 1, 2001. The second report is~~  
23    ~~due March 1, 2002. The final interim report is due March 1, 2003.~~  
24    ~~However, these reports shall be required only if funds are available~~  
25    ~~for allocation for this program.~~  
26    ~~SEC. 2. Part 8.5 (commencing with Section 13000) of the~~  
27    ~~Education Code is repealed.~~  
28    ~~SEC. 3. Section 14044 of the Education Code is repealed.~~  
29    ~~14044. (a) Upon determining that any semiannual report to~~  
30    ~~the State Department of Education, as required under Section~~

~~628.2 of the Penal Code, has not been submitted, or that a submitted report contains intentionally misleading data, the Superintendent of Public Instruction may withhold an amount from the next state funding apportionment to which the school district or, as appropriate, the county office of education, would otherwise be entitled. The amount so withheld shall not exceed one-half of the annual salary of the superintendent of that district or of that county superintendent of schools, respectively.~~

~~(b) Any funds withheld pursuant to subdivision (a) shall be held in trust by the Superintendent of Public Instruction until he or she determines that the data required under Section 628.2 of the Penal Code has been submitted, in complete and accurate form, by the appropriate school district or county office of education whereupon those funds shall be released to the appropriate county treasury to the credit of that district or county office of education.~~

*SEC. 4. Article 8 (commencing with Section 18202) of Chapter 2 of Part 11 of the Education Code is repealed.*

*SEC. 5. Section 18724 of the Education Code is amended to read:*

18724. The duties of the state board shall be to adopt rules, regulations, and general policies for the implementation of this chapter. In addition, the state board, consistent with the terms and provisions of this chapter, shall have the following powers and duties:

(a) To direct the State Librarian in the administration of this chapter.

(b) To review for its approval all annual proposals submitted under this chapter.

(c) To annually submit budget proposals as part of the annual budget of the Department of Education.

(d) To expend the funds appropriated for the purpose of implementing ~~the provisions of~~ this chapter.

(e) To require participating libraries and systems to prepare and submit any reports and information which are necessary to carry out ~~the provisions of~~ this chapter, and to prescribe the form and manner for providing ~~such~~ those reports and information.

(f) To develop formulas for the equitable allocation of reimbursements *between libraries and library systems that choose to participate* under Sections 18731, 18743, 18744, and 18765.



1 ~~Such formulas shall be submitted to the Department of Finance for~~  
2 ~~approval.~~

3 (g) To require that any public library participating in programs  
4 authorized by this chapter provide access to its bibliographic  
5 records and materials location information consistent with the  
6 legislative policy of encouraging the sharing of resources between  
7 libraries.

8 *SEC. 6. Section 18731 of the Education Code is amended to*  
9 *read:*

10 18731. Any California public library may participate in  
11 universal borrowing. Public libraries participating in universal  
12 borrowing may not exclude the residents of any jurisdiction  
13 maintaining a public library. Public libraries that incur a net  
14 imbalance ~~shall~~ may be reimbursed for the handling costs of the net  
15 loans according to the allocation formula developed pursuant to  
16 subdivision (f) of Section 18724. Reimbursement shall be incurred  
17 only for imbalances between:

18 (a) System member libraries and independent public libraries.

19 (b) Independent public libraries with each other.

20 (c) Member libraries of one system with member libraries of  
21 other systems.

22 *SEC. 7. Article 4.2 (commencing with Section 18733) of*  
23 *Chapter 4 of Part 11 of the Education Code is repealed.*

24 *SEC. 8. Article 4.5 (commencing with Section 18735) of*  
25 *Chapter 4 of Part 11 of the Education Code is repealed.*

26 *SEC. 9. Section 18741 of the Education Code is amended to*  
27 *read:*

28 18741. (a) Each system described in Section 18740 shall  
29 receive, *subject to the appropriation of funds*, an annual allowance  
30 for the improvement and maintenance of coordinated reference  
31 service support to the members of the system. Following ~~the~~  
32 ~~effective date of this chapter January 1, 1978~~, if there occurs a  
33 consolidation among individual public libraries that, as of ~~the~~  
34 ~~effective date of this chapter January 1, 1978~~, are members of a  
35 system, the per member allowance to the system shall continue at  
36 the same level as if the consolidation had not taken place.

37 (b) After identifying the needs of the underserved, each system  
38 shall use a fair and equitable portion of its reference allowance to  
39 improve the system's reference service to its underserved  
40 population through appropriate collection development, provision

1 of reference specialists, and staff training. Funds for the reference  
2 grant may also be used for general and specialized reference  
3 collection development, employment of reference specialists, and  
4 system-wide reference training.

5 *SEC. 10. Section 18743 of the Education Code is amended to*  
6 *read:*

7 18743. Each member library of a system shall provide equal  
8 access to all residents of the area served by the system. Member  
9 libraries that incur a net imbalance ~~shall~~ may be reimbursed  
10 through the system for the handling costs of the net loans  
11 according to the allocation formula developed pursuant to  
12 subdivision (f) of Section 18724.

13 *SEC. 11. Section 18744 of the Education Code is amended to*  
14 *read:*

15 18744. Each member library of a system ~~shall~~ may be  
16 reimbursed through the system to cover handling costs, excluding  
17 communication and delivery costs, of each interlibrary loan  
18 between member libraries of the system according to the allocation  
19 formula developed pursuant to subdivision (f) of Section 18724.

20 *SEC. 12. Section 18744.5 is added to the Education Code, to*  
21 *read:*

22 18744.5. A member library of a system is authorized to charge  
23 user fees to cover net costs after any reimbursement for costs of  
24 resource sharing. The user fees may initially be set at one dollar  
25 (\$1) for a direct library loan and up to five dollars (\$5) for an  
26 interlibrary loan.

27 *SEC. 13. Section 18745 of the Education Code is repealed.*

28 ~~18745. Each system shall annually apply to the state board for~~  
29 ~~funds for intrasystem communications and delivery. Proposals~~  
30 ~~shall be based upon the most cost-effective methods of exchanging~~  
31 ~~materials and information among the member libraries.~~

32 *SEC. 14. Chapter 4.5 (commencing with Section 18800) of*  
33 *Part 11 of the Education Code is repealed.*

34 *SEC. 15. Section 19329 is added to the Education Code, to*  
35 *read:*

36 19329. The State Librarian shall establish a schedule of  
37 library user fees and may establish a fee for a state library card for  
38 the purpose of reimbursing the California State Library for  
39 services, including indirect costs of those services. The State  
40 Librarian and the California State Library Foundation, with the

1 *concurrence of the State Librarian, may accept donations of*  
2 *materials to the State Library and funds for preservation, storage,*  
3 *and use of those materials. The donations shall be considered*  
4 *charitable contributions under the Revenue and Taxation Code.*

5 SEC. 16. Section 33050 of the Education Code is amended to  
6 read:

7 33050. (a) The governing board of a school district or a  
8 county board of education, on a districtwide or countywide basis  
9 or on behalf of one or more of its schools or programs, after a  
10 public hearing on the matter, may request the State Board of  
11 Education to waive all or part of any section of this code or any  
12 regulation adopted by the State Board of Education that  
13 implements a provision of this code that may be waived, except:

14 (1) Article 1 (commencing with Section 15700) and Article 2  
15 (commencing with Section 15780) of Chapter 4 of Part 10.

16 (2) Chapter 6 (commencing with Section 16000) of Part 10.

17 (3) Chapter 12 (commencing with Section 17000), Chapter  
18 12.5 (commencing with Section 17070.10), and Chapter 14  
19 (commencing with Section 17085) of Part 10.

20 (4) Part 13 (commencing with Section 22000).

21 (5) Section 35735.1.

22 (6) Paragraph (8) of subdivision (a) of Section 37220.

23 (7) The following provisions of Part 10.5 (commencing with  
24 Section 17211):

25 (A) Chapter 1 (commencing with Section 17211).

26 (B) Article 1 (commencing with Section 17251) to Article 6  
27 (commencing with Section 17365), inclusive, of Chapter 3.

28 (C) Sections 17416 to 17429, inclusive; Sections 17459 and  
29 17462 and subdivision (a) of Section 17464; and Sections 17582  
30 to 17592, inclusive.

31 (8) The following provisions of Part 24 (commencing with  
32 Section 41000):

33 (A) Sections 41000 to 41360, inclusive.

34 (B) Sections 41420 to 41423, inclusive.

35 (C) Sections 41600 to ~~41866~~ 41835, inclusive.

36 (D) Sections 41920 to 42911, inclusive.

37 (9) ~~Sections 44504 and 44505.~~

38 ~~(10) Article 3 (commencing with Section 44930) of Chapter 4~~  
39 ~~of Part 25 and regulations in Title 5 of the California Code of~~

1 Regulations adopted pursuant to Article 3 (commencing with  
2 Section 44930) of Chapter 4 of Part 25.  
3 ~~(11)~~  
4 (10) Part 26 (commencing with Section 46000).  
5 ~~(12)~~  
6 (11) Chapter 6 (commencing with Section 48900) and Chapter  
7 6.5 (commencing with Section 49060) of Part 27.  
8 ~~(13)~~  
9 (12) Section 51513.  
10 ~~(14)~~  
11 (13) Chapter 6.10 (commencing with Section 52120) of Part  
12 28, ~~relating to class size reduction.~~  
13 ~~(15)~~  
14 (14) Section 52163.  
15 ~~(16)~~  
16 (15) The identification and assessment criteria relating to any  
17 categorical aid program, including Sections 52164.1 and 52164.6.  
18 ~~(17)~~  
19 (16) Sections 52165, 52166, and 52178.  
20 ~~(18)~~  
21 (17) Article 3 (commencing with Section 52850) of Chapter 12  
22 of Part 28.  
23 ~~(19)~~  
24 (18) Section 56364.1, except that this restriction shall not  
25 prohibit the State Board of Education from approving any waiver  
26 of Section 56364 or Section 56364.2, as applicable, relating to full  
27 inclusion.  
28 ~~(20)~~  
29 (19) Article 4 (commencing with Section 60640) of Chapter 5  
30 of Part 33, relating to the STAR Program, and any other provisions  
31 of Chapter 5 (commencing with Section 60600) of Part 33 that  
32 establish requirements for the STAR Program.  
33 (b) Any waiver of provisions related to the programs identified  
34 in Section 52851 shall be granted only pursuant to Article 3  
35 (commencing with Section 52850) of Chapter 12 of Part 28.  
36 (c) The waiver of an advisory committee required by law shall  
37 be granted only pursuant to Article 4 (commencing with Section  
38 52870) of Chapter 12 of Part 28.  
39 (d) Any request for a waiver submitted by the governing board  
40 of a school district or a county board of education pursuant to



subdivision (a) shall include a written statement as to both of the following:

(1) Whether the exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, participated in the development of the waiver.

(2) The exclusive representative's position regarding the waiver.

~~(e) Any request for a waiver submitted pursuant to subdivision (a) relating to a regional occupational center or program established pursuant to Article 1 (commencing with Section 52300) of Chapter 9 of Part 28, that is operated by a joint powers entity established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, shall be submitted as a joint waiver request for each participating school district and shall meet both of the following conditions:~~

~~(1) Each joint waiver request shall comply with all of the requirements of this article.~~

~~(2) The submission of a joint waiver request shall be approved by a unanimous vote of the governing board of the joint powers agency. The State Board of Education may not grant a waiver request to allow a pupil to be admitted to a regional occupational center or program or to credit his or her attendance to a regional occupational center or program if the pupil has not attained the age of 16 years, unless one of the following applies to the pupil:~~

~~(1) The pupil is enrolled in grade 11 or 12.~~

~~(2) The individualized education program of the pupil adopted pursuant to the requirements of Chapter 2 (commencing with Section 56300) of Part 30 prescribes occupational training for which his or her enrollment in a regional occupational center or program is deemed appropriate.~~

(f) The governing board of any school district requesting a waiver under this section of any provision of Article 5 (commencing with Section 39390) of Chapter 3 of Part 23 shall provide written notice of any public hearing it conducted pursuant to subdivision (a), at least 30 days prior to the hearing, to each public agency identified under Section 39394.

SEC. 17. Section 42142 of the Education Code is amended to read:

1 42142. ~~Within 45 days of~~ *Before* adopting a collective  
2 bargaining agreement, the superintendent of the school district  
3 shall forward to the county superintendent of schools ~~any revisions~~  
4 ~~to the school district's current year budget that are necessary to~~  
5 ~~fulfill the terms of that agreement~~ *an analysis of the fiscal impact*  
6 *of that agreement on the current year budget and the ensuing two*  
7 *fiscal years. The district superintendent shall revise the current*  
8 *year budget of the school district to reflect the terms of the*  
9 *agreement and shall submit this analysis and revised budget to the*  
10 *county superintendent of schools for an independent review and*  
11 *analysis before ratification. Within 15 working days of receiving*  
12 *the agreement, the county superintendent of schools shall respond*  
13 *to the school district in writing on the fiscal impact to the district*  
14 *for the current year budget and the ensuing two fiscal years. Before*  
15 *ratification, the school district, at a regularly scheduled board*  
16 *meeting, shall consider the response from the county*  
17 *superintendent. Any additional costs to the school district that may*  
18 *result from the terms of the collective bargaining agreement also*  
19 *shall be reflected in any interim fiscal reports or multiyear fiscal*  
20 *projections.*

21 SEC. 18. *Section 42238.12 of the Education Code is amended*  
22 *to read:*

23 42238.12. (a) For the 1995–96 fiscal year and each fiscal  
24 year thereafter, the county superintendent of schools shall adjust  
25 the total revenue limit for each school district in the jurisdiction of  
26 the county superintendent of schools by the amount of increased  
27 or decreased employer contributions to the Public Employees'  
28 Retirement System resulting from the enactment of Chapter 330  
29 of the Statutes of 1982, adjusted for any changes in those  
30 contributions resulting from subsequent changes in employer  
31 contribution rates, excluding rate changes due to the direct transfer  
32 of the state-mandated portion of the employer contributions to the  
33 Public Employees' Retirement System, through the current fiscal  
34 year. The adjustment shall be calculated for each school district,  
35 as follows:

36 (1) (A) Determine the amount of employer contributions that  
37 would have been made in the current fiscal year if the applicable  
38 Public Employees' Retirement System employer contribution rate  
39 in effect immediately prior to the enactment of Chapter 330 of the  
40 Statutes of 1982 were in effect during the current fiscal year.



(B) For the purposes of this calculation, no school district shall have a contribution rate higher than 13.020 percent.

(2) Determine the actual amount of employer contributions made to the Public Employees' Retirement System in the current fiscal year.

(3) If the amount determined in paragraph (1) for a school district is greater than the amount determined in paragraph (2), the total revenue limit computed for that school district shall be decreased by the amount of the difference between those paragraphs; or, if the amount determined in paragraph (1) for a school district is less than the amount determined in paragraph (2), the total revenue limit for that school district shall be increased by the amount of the difference between those paragraphs.

(4) For the purpose of this section, employer contributions to the Public Employees' Retirement System for any of the following positions shall be excluded from the calculation specified above:

(A) Positions or portions of positions supported by federal funds that are subject to supplanting restrictions.

(B) Positions supported by funds received pursuant to paragraph (1) of subdivision (a) of Section 54203.

(C) Positions supported, to the extent of employers' contributions not exceeding twenty-five thousand dollars (\$25,000) by any single educational agency, from a non-General Fund revenue source determined to be properly excludable from this section by the Superintendent of Public Instruction with the approval of the Director of Finance. Commencing in the 2002–03 fiscal year, only positions supported from a non-General Fund revenue source determined to be properly excludable as identified for a particular local education agency or pursuant to a blanket waiver by the Superintendent of Public Instruction and the Director of Finance, prior to the 2002–03 fiscal year, may be excluded pursuant to this paragraph.

(5) For accounting purposes, any reduction to district revenue limits made by this provision may be reflected as an expenditure from appropriate sources of revenue as directed by the Superintendent of Public Instruction.

(6) The amount of the increase or decrease to the revenue limits of school districts computed pursuant to paragraph (3) for the 1995–96 fiscal year or any fiscal year thereafter ~~shall~~ may not be

1 adjusted by the deficit factor applied to the revenue limit of each  
2 school district pursuant to Section 42238.145.

3 (7) *The amount of the increase or decrease to the revenue limits*  
4 *of school districts computed pursuant to paragraph (3) for the*  
5 *2002–03 fiscal year or any fiscal year thereafter, may not be*  
6 *adjusted by the deficit factor applied to the revenue limit reduction*  
7 *of each school district pursuant to Section 42238.147.*

8 (b) The calculations set forth in paragraphs (1), (2), and (3),  
9 inclusive, of subdivision (a) exclude employer contributions for  
10 employees of charter schools funded pursuant to Article 2  
11 (commencing with Section 47633) of Chapter 6 of Part 26.8.

12 (c) Funding appropriated through the Budget Act of 2001 or  
13 legislation amending the Budget Act of 2001 for the purpose of  
14 limiting the reductions to revenue limits calculated pursuant to this  
15 section and to Section 2558 for the 2001–02 fiscal year shall be  
16 allocated on a one-time basis in the following manner:

17 (1) Each school district and county office of education subject  
18 to a reduced apportionment pursuant to this section or to Section  
19 2558 shall receive a share of the amount described in paragraph (3)  
20 that is proportionate to the reduction in their apportionment  
21 pursuant to this section or to Section 2558 for the 2001–02 fiscal  
22 year as compared to the statewide total reduction that would occur  
23 absent this paragraph.

24 (2) For the 2001–02 fiscal year, in lieu of the alternative  
25 calculation authorized by paragraph (1), San Francisco Unified  
26 School District shall receive an amount equal to five dollars and  
27 57 cents (\$5.57) multiplied by its second principal apportionment  
28 average daily attendance for the 2001–02 fiscal year.

29 (3) Notwithstanding any other provision of law, total  
30 allocations pursuant to this subdivision shall may not exceed  
31 thirty-five million dollars (\$35,000,000).

32 ~~(d) Thirty-five million dollars (\$35,000,000) is hereby~~  
33 ~~appropriated from the General Fund for transfer to Section A of the~~  
34 ~~State School Fund for local assistance for the purpose of limiting~~  
35 ~~the reductions to revenue limits calculated pursuant to this section~~  
36 ~~and to Section 2558 for the 2003–04 fiscal year. Funding from this~~  
37 ~~appropriation shall be allocated in the following manner:~~

38 ~~(1) Each school district and county office of education subject~~  
39 ~~to a reduced apportionment pursuant to this section or to Section~~  
40 ~~2558 shall receive a share of the amount appropriated in this~~

1 ~~subdivision that is proportionate to the reduction in their~~  
2 ~~apportionment pursuant to this section or to Section 2558 for the~~  
3 ~~2003-04 fiscal year as compared to the statewide total reduction~~  
4 ~~that would occur absent this paragraph.~~

5 ~~(2) For the 2003-04 fiscal year, in lieu of the alternative~~  
6 ~~calculation authorized by paragraph (1), the San Francisco Unified~~  
7 ~~School District shall receive an amount equal to five dollars and~~  
8 ~~57 cents (\$5.57) multiplied by its second principal apportionment~~  
9 ~~average daily attendance for the 2003-04 fiscal year.~~

10 ~~(3) Notwithstanding any other provision of law, total~~  
11 ~~allocations pursuant to this subdivision shall not exceed thirty-five~~  
12 ~~million dollars (\$35,000,000) for the 2003-04 fiscal year.~~

13 ~~(4) For the purposes of making the computations required by~~  
14 ~~Section 8 of Article XVI of the California Constitution, the~~  
15 ~~appropriation made by this section shall be deemed to be "General~~  
16 ~~Fund revenues appropriated for school districts," as defined in~~  
17 ~~subdivision (c) of Section 41202 of the Education Code, for the~~  
18 ~~2003-04 fiscal year and included within the "total allocations to~~  
19 ~~school districts and community college districts from General~~  
20 ~~Fund proceeds of taxes appropriated pursuant to Article XIII B,"~~  
21 ~~as defined in subdivision (c) of Section 41202 of the Education~~  
22 ~~Code, for the 2003-04 fiscal year.~~

23 ~~(e) For the 2004-05 fiscal year, and each fiscal year thereafter,~~  
24 ~~apportionment reductions pursuant to this section and to Section~~  
25 ~~2558 shall be limited as follows:~~

26 ~~(1) Each school district and county office of education subject~~  
27 ~~to a reduced apportionment pursuant to this section or to Section~~  
28 ~~2558 shall receive a share of the amount described in paragraph (3)~~  
29 ~~that is proportionate to the reduction in their apportionment~~  
30 ~~pursuant to this section or to Section 2558 for the 2004-05 fiscal~~  
31 ~~year as compared to the statewide total reduction as would occur~~  
32 ~~absent this paragraph.~~

33 ~~(2) In lieu of the alternative calculation authorized by~~  
34 ~~paragraph (1), the San Francisco Unified School District shall~~  
35 ~~receive funding equal to the amount of funding per unit of average~~  
36 ~~daily attendance specified in paragraph (2) of subdivision (e) as~~  
37 ~~increased annually by cost-of-living adjustments specified in~~  
38 ~~Section 42238.1, multiplied by its second principal apportionment~~  
39 ~~average daily attendance for that fiscal year.~~

~~(3) Notwithstanding any other provision of law, total limitations pursuant to this subdivision shall not annually exceed the amount described in paragraph (3) of subdivision (c) as annually increased by the cost of living adjustments specified in Section 42238.1, multiplied by the annual statewide percentage growth in total average daily attendance, measured at the second principal apportionment.~~

~~SEC. 19. Section 42238.46 of the Education Code is repealed.~~

~~42238.46. (a) For the 2003-04 fiscal year, the Superintendent of Public Instruction, shall compute an equalization adjustment for each school district so that no district's 2002-03 adjusted base revenue limit per unit of average daily attendance is less than the 2002-03 fiscal year adjusted base revenue limit above which fall not more than 8.25 percent of the total statewide units of average daily attendance for the appropriate size and type of district listed in subdivision (b).~~

~~For purposes of this section, the district adjusted base revenue limit and the statewide average adjusted base revenue limit shall not include any amounts attributable to Section 45023.4, 46200, or 46201.~~

~~(b) Subdivision (a) shall apply to the following school districts, which shall be grouped according to size and type as follows:~~

<del>District</del>	<del>ADA</del>
<del>Elementary .....</del>	<del>less than 101</del>
<del>Elementary .....</del>	<del>more than 100</del>
<del>High School .....</del>	<del>less than 301</del>
<del>High School .....</del>	<del>more than 300</del>
<del>Unified .....</del>	<del>less than 1,501</del>
<del>Unified .....</del>	<del>more than 1,500</del>

~~(c) The Superintendent of Public Instruction shall compute a revenue limit equalization adjustment for each school district's adjusted base revenue limit per unit of average daily attendance as follows:~~

~~(1) Add the products of the amount computed for each school district by the county superintendent pursuant to subdivision (a) and the average daily attendance used to calculate the district's revenue limit for the current fiscal year.~~

~~(2) Divide the amount appropriated for purposes of this section for the current fiscal year by the amount computed pursuant to paragraph (1):~~

~~(3) Multiply the amount computed for the school district pursuant to subdivision (a) by the amount computed pursuant to paragraph (2):~~

~~(d) (1) For purposes of this section only, prior to computing the equalization adjustment pursuant to this section, the Superintendent of Public Instruction shall calculate an adjusted base revenue limit for each district by revising the 2002-03 base revenue limit of the district to eliminate that portion of the one-time adjustment to its base revenue limit related to excused absences made pursuant to Section 42238.8:~~

~~(2) For the purposes of this section, the 2002-03 statewide average adjusted base revenue limits determined for the purposes of subdivision (a) and the fraction computed pursuant to paragraph (2) of subdivision (c) by the Superintendent of Public Instruction for the 2002-03 second principal apportionment shall be final, and shall not be recalculated at subsequent apportionments. In no event shall the fraction computed pursuant to paragraph (2) of subdivision (c) exceed 1.00. For the purposes of determining the size of a district used in subdivision (b), county superintendents of schools, in conjunction with the Superintendent of Public Instruction, shall use a school district's revenue limit average daily attendance for the 2002-03 fiscal year as determined pursuant to Section 42238.5 and Article 4 (commencing with Section 42280):~~

~~(3) For the purposes of calculating the size of a school district pursuant to subdivision (b), the Superintendent of Public Instruction shall include units of average daily attendance of any charter school for which the school district is the chartering agency:~~

~~(4) For the purposes of computing the target amounts pursuant to subdivision (a), the Superintendent of Public Instruction shall count all charter school average daily attendance towards the average daily attendance of the school district that is the chartering agency:~~

*SEC. 20. Section 52055.650 of the Education Code is amended to read:*

52055.650. (a) Section 52055.5 does not apply to a school participating in the High Priority School Grant Program.

(b) Twenty-four months after receipt of funding for implementation of the action plan pursuant to Sections 52054.5 and 52055.600 or no sooner than July 1, 2004, a school that has not met its growth targets each year shall be subject to review by the State Board of Education. This review shall include an examination of the school's progress relative to the components and reports made pursuant to Section 52055.640. The Superintendent of Public Instruction, with the approval of the State Board of Education, may direct that the governing board of a school take appropriate action and adopt appropriate strategies to provide corrective assistance to the school in order to achieve the components and benchmarks established in the school's action plan.

(c) Thirty-six months after receipt of funding to implement a school action plan or no sooner than July 1, 2005, a school that has met or exceeded its growth target each year shall receive a monetary or nonmonetary award, under the Governor's Performance Award Program, as set forth in Section 52057. Funds received pursuant to that section may be used at the school's discretion.

(d) Thirty-six months after receipt of funding to implement a school action plan or no sooner than July 1, 2005, a school that has not met its growth targets each year, but demonstrates significant growth, as determined by the State Board of Education, shall continue to participate in the program and receive funding as specified in Sections 52054.5 and 52055.600.

(e) Notwithstanding any other provision of law, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall follow the course of action prescribed by paragraph (1) or (2) with respect to a school that does not meet its growth targets within the periods described in either subdivision (c) or (d), as applicable, or no later than July 1, 2005, and has failed to show significant growth, as determined by the State Board of Education.

(1) Require the district to enter into a contract with a school assistance and intervention team.

(A) Team members should possess a high degree of knowledge and skills in the areas of school leadership, curriculum, and instruction aligned to state academic content and performance standards, classroom management and discipline, academic



1 assessment, parent-school relations, and evaluation and  
2 research-based reform strategies and have proven successful  
3 expertise specific to the challenges inherent in low-performing  
4 schools.

5 (B) The team shall provide intensive support and expertise to  
6 implement the school reform initiatives in the plan. Decisions  
7 about interventions shall be data driven. A school assistance and  
8 intervention team shall work with school staff, site planning teams,  
9 administrators, and district staff to improve pupil literacy and  
10 achievement by assessing the degree of implementation of the  
11 current action plan, refining and revising the action plan, and  
12 making recommendations to maximize the use of fiscal resources  
13 and personnel in achieving the goals of the plan. The district shall  
14 provide support and assistance to enhance the work of the team at  
15 the targeted schoolsites.

16 (C) Not later than 60 days after the school's API becomes  
17 public, the team must have completed an initial report. The report  
18 shall include recommendations for corrective actions chosen from  
19 a range of interventions, including the reallocation of district fiscal  
20 resources to ensure that appropriate resources are targeted to those  
21 specific interventions identified in the recommendations of the  
22 team for the targeted schools and other changes deemed  
23 appropriate to make progress toward meeting the school's growth  
24 target. Not later than 90 days after the API is made public, the  
25 governing board of the school district shall adopt the team's  
26 recommendations at a regularly scheduled meeting of the  
27 governing board. The governing board may not place the adoption  
28 on the consent calendar. The report shall be submitted to the  
29 Superintendent of Public Instruction and State Board of  
30 Education.

31 (D) No less than three times during the year, the school district  
32 and schoolsite shall present the team with data regarding progress  
33 toward the goals established by the team's initial assessment. The  
34 data shall be presented to the governing board of the school district  
35 at a regularly scheduled meeting. The team shall, to the extent  
36 possible, utilize existing site data. The data shall also be provided  
37 to the Superintendent of Public Instruction and State Board of  
38 Education. Every effort shall be made to report this data in a  
39 manner that minimizes the length and complexity of the reporting

1 requirement in order to maximize the focus on improving pupil  
2 literacy and achievement.

3 (E) An action taken pursuant to this paragraph shall not  
4 increase local costs or require reimbursement by the Commission  
5 on State Mandates.

6 (2) The Superintendent of Public Instruction shall assume all  
7 the legal rights, duties, and powers of the governing board with  
8 respect to the school. The Superintendent of Public Instruction, in  
9 consultation with the State Board of Education and the governing  
10 board of the school district, shall reassign the principal of that  
11 school subject to the findings in subdivision (i). In addition to  
12 reassigning the principal, the Superintendent of Public Instruction,  
13 in consultation with the State Board of Education, shall,  
14 notwithstanding any other provision of law, do at least one of the  
15 following:

16 (A) Revise attendance options for pupils to allow them to  
17 attend any public school in which space is available. If additional  
18 attendance options are made available, nothing in this option shall  
19 be construed to require either the sending or receiving school  
20 district to incur additional transportation costs.

21 (B) Allow parents or guardians to apply directly to the State  
22 Board of Education for the establishment of a charter school and  
23 allow parents or guardians to establish the charter school at the  
24 existing schoolsite.

25 (C) Under the supervision of the Superintendent of Public  
26 Instruction, assign the management of the school to a college,  
27 university, county office of education, or other appropriate  
28 educational institution. However, the Superintendent of Public  
29 Instruction may not assume the management of the school.

30 (D) Reassign other certificated employees of the school.

31 (E) Renegotiate a new collective bargaining agreement at the  
32 expiration of the existing collective bargaining agreement.

33 (F) Reorganize the school.

34 (G) Close the school.

35 (f) In addition to the actions listed in subdivision (e), the  
36 Superintendent of Public Instruction, in consultation with the State  
37 Board of Education, may take any other action considered  
38 necessary or desirable against the school district or the school  
39 district governing board, including appointment of a new  
40 superintendent or suspension of the authority of the governing

board with respect to a school that does not meet its growth targets within the periods described in either subdivision (b) or (c), as applicable, and has failed to show significant growth, as determined by the State Board of Education.

(g) Before the Superintendent of Public Instruction may take any action against a principal pursuant to subdivision (e), the Superintendent of Public Instruction or a designee of the superintendent shall hold a public hearing on the matter in the school district and make both of the following findings:

(1) A finding that the principal had the authority to take specific enumerated actions that would have helped the school meet its performance goals.

(2) A finding that the principal failed to take specific enumerated actions pursuant to paragraph (1).

(h) An action taken pursuant to subdivision (e), (f), or (g) shall not increase local costs or require reimbursement by the Commission on State Mandates.

(i) An action taken pursuant to subdivision (e), (f), or (g) shall be accompanied by specific findings by the Superintendent of Public Instruction and the State Board of Education that the action is directly related to the identified causes for continued failure by a school to meet its performance goals.

(j) (1) *Notwithstanding subdivision (a), a school participating in the High Priority School Grant Program that received a planning grant pursuant to subdivision (f) of Section 52053 in the 1999–2000 fiscal year is eligible to receive funding pursuant to Section 52055.600 in the 2002–03 fiscal year only.*

(2) *Notwithstanding subdivision (a), a school participating in the High Priority School Grant Program that received a planning grant pursuant to subdivision (l) of Section 52053 in the 2000–01 fiscal year is eligible to receive funding pursuant to Section 52055.600 in the 2002–03 and 2003–04 fiscal years only.*

SEC. 21. *Chapter 17 (commencing with Section 53080) of Part 28 of the Education Code is repealed.*

SEC. 22. *Section 60227 is added to the Education Code, to read:*

60227. *The State Department of Education shall collect reimbursements from publishers and manufacturers who submit instructional materials for follow up adoption to cover expenses it and the State Board of Education incurred for performing a*

1 *followup adoption after the first opportunity to offer materials for*  
2 *adoption following a curriculum framework revision pursuant to*  
3 *Section 60200.*

4 *SEC. 23. Chapter 6 (commencing with Section 60800) of Part*  
5 *33 of the Education Code is repealed.*

6 *SEC. 24. Chapter 7 (commencing with Section 99300) of Part*  
7 *65 is repealed.*

8 *SEC. 25. Section 3540.2 of the Government Code is amended*  
9 *to read:*

10 3540.2. (a) A school district ~~that has a qualified or negative~~  
11 ~~certification pursuant to Section 42131 of the Education Code~~  
12 shall allow the county office of education in which the school  
13 district is located at least ~~six~~ 15 working days to review and  
14 comment on any proposed agreement made between the exclusive  
15 representative and the public school employer, or designated  
16 representatives of the employer, pursuant to this chapter. The  
17 school district shall provide the county superintendent of schools  
18 with all information relevant to yield an understanding of the  
19 financial impact of that agreement.

20 (b) The Superintendent of Public Instruction shall develop a  
21 format for use by the appropriate parties in generating the financial  
22 information required pursuant to subdivision (a).

23 (c) The county superintendent of schools shall notify the school  
24 district publicly within those ~~six~~ 15 days if, in his or her opinion,  
25 the agreement reviewed pursuant to subdivision (a) would  
26 endanger the fiscal well-being of the school district.

27 (d) A school district shall provide the county superintendent of  
28 schools, upon request, with all information relevant to provide an  
29 understanding of the financial impact of any final collective  
30 bargaining agreement reached pursuant to Section 3543.2.

31 (e) A county office of education, or a school district for which  
32 the county board of education serves as the governing board, that  
33 has a qualified or negative certification pursuant to Section 1240  
34 of the Education Code shall allow the Superintendent of Public  
35 Instruction at least ~~six~~ 15 working days to review and comment on  
36 any proposed agreement made between the exclusive  
37 representative and the public school employer, or designated  
38 representatives of the employer, pursuant to this chapter. The  
39 county superintendent of schools shall provide the Superintendent  
40 of Public Instruction with all information relevant to yield an

1 understanding of the financial impact of that agreement. The  
2 Superintendent of Public Instruction shall notify the county  
3 superintendent of schools publicly within those ~~six~~ 15 days if, in  
4 his or her opinion, the proposed agreement would endanger the  
5 fiscal well-being of the county office.

6 *SEC. 26. Section 3547.5 of the Government Code is amended*  
7 *to read:*

8 3547.5. Before a public school employer enters into a written  
9 agreement with an exclusive representative covering matters  
10 within the scope of representation, the major provisions of the  
11 agreement, including, but not limited to, the costs that would be  
12 incurred by the public school employer under the agreement for  
13 the current and subsequent fiscal years, shall be disclosed at a  
14 public meeting of the public school employer in a format  
15 established for this purpose by the Superintendent of Public  
16 Instruction. *The district superintendent and the chief business*  
17 *official of the school district shall certify in writing that the costs*  
18 *incurred by the school district under the agreement can be met by*  
19 *the district for the current and two subsequent fiscal years.*

20 *SEC. 27. Chapter 1.2 (commencing with Section 628) of Title*  
21 *15 of Part 1 of the Penal Code is repealed.*

22 *SEC. 28. Notwithstanding Section 17610 of the Government*  
23 *Code, if the Commission on State Mandates determines that this*  
24 *act contains costs mandated by the state, reimbursement to local*  
25 *agencies and school districts for those costs shall be made*  
26 *pursuant to Part 7 (commencing with Section 17500) of Division*  
27 *4 of Title 2 of the Government Code. If the statewide cost of the*  
28 *claim for reimbursement does not exceed one million dollars*  
29 *(\$1,000,000), reimbursement shall be made from the State*  
30 *Mandates Claims Fund.*

31 ~~amended to read:~~

32 ~~60640. (a) There is hereby established the Standardized~~  
33 ~~Testing and Reporting Program, to be known as the STAR~~  
34 ~~Program.~~

35 ~~(b) Commencing in the 1997-98 fiscal year and each fiscal year~~  
36 ~~thereafter, and from the funds available for that purpose, each~~  
37 ~~school district, charter school, and county office of education shall~~  
38 ~~administer to each of its pupils in grades 3 to 11, inclusive, the~~  
39 ~~achievement test designated by the State Board of Education~~  
40 ~~pursuant to Section 60642 and the standards-based achievement~~

1 test provided for in Section 60642.5. The State Board of Education  
2 shall establish a testing period to provide that all schools  
3 administer these tests to pupils at approximately the same time  
4 during the instructional year, except as necessary to ensure test  
5 security and to meet the final filing date.

6 (e) The publisher and the school district shall provide two  
7 makeup days for the testing of previously absent pupils within the  
8 testing period established by the State Board of Education in  
9 subdivision (b).

10 (d) The governing board of the school district may administer  
11 achievement tests in kindergarten and grade 1 or 12, or both, as it  
12 deems appropriate.

13 (e) Pursuant to paragraph (17) of subsection (a) of Section 1412  
14 of Title 20 of the United States Code, individuals with exceptional  
15 needs, as defined in Section 56026, shall be included in the testing  
16 requirement of subdivision (b) with appropriate accommodations  
17 in administration, where necessary, and those individuals with  
18 exceptional needs who are unable to participate in the testing, even  
19 with accommodations, will be given an alternate assessment.

20 (f) (1) At the school district's option, pupils of limited English  
21 proficiency who are enrolled in any of grades 3 to 11, inclusive,  
22 may take a second achievement test in their primary language.  
23 Primary language tests administered pursuant to this subdivision  
24 and subdivision (g) shall be subject to the requirements of  
25 subdivision (a) of Section 60641. These primary language tests  
26 shall produce individual pupil scores that are valid and reliable.  
27 Notwithstanding any other provision of law, the State Board of  
28 Education shall designate for use, as part of this program, a single  
29 primary language test in each language for which a test is available  
30 for grades 3 to 11, inclusive, no later than November 14, 1998,  
31 pursuant to the process used for designation of the assessment  
32 chosen in the 1997-98 fiscal year, as specified in Sections 60642  
33 and 60643, as applicable.

34 (2) (A) The State Board of Education shall, by February 1,  
35 2007, develop and adopt an achievement test in the most common  
36 primary language of pupils enrolled in the public schools in the  
37 2001-02 school year other than English. These primary language  
38 tests shall produce individual pupil scores that are valid and  
39 reliable.



1 ~~(B) Notwithstanding paragraph (1), upon adoption of the test~~  
2 ~~pursuant to subparagraph (A), pupils in grades 3 to 11 whose~~  
3 ~~primary language is the language of that test may take the~~  
4 ~~achievement test in their primary language in lieu of taking the test~~  
5 ~~in English.~~

6 ~~(C) Primary language tests administered pursuant to this~~  
7 ~~paragraph shall be subject to Section 60641, and shall produce~~  
8 ~~individual pupil scores that are valid and reliable.~~

9 ~~(g) Pupils of limited English proficiency who are enrolled in~~  
10 ~~any of grades 3 to 11, inclusive, shall be required to take a test in~~  
11 ~~their primary language if a test is available, if fewer than 12 months~~  
12 ~~have elapsed after their initial enrollment in any public school in~~  
13 ~~the state.~~

14 ~~(h) (1) The Superintendent of Public Instruction shall~~  
15 ~~apportion funds to school districts to enable school districts to~~  
16 ~~meet the requirements of subdivisions (b), (f), and (g).~~

17 ~~(2) The State Board of Education shall annually establish the~~  
18 ~~amount of funding to be apportioned to school districts for each~~  
19 ~~test administered and shall annually establish the amount that each~~  
20 ~~publisher shall be paid for each test administered under the~~  
21 ~~agreements required pursuant to Section 60643. The amounts to~~  
22 ~~be paid to the publishers shall be determined by considering the~~  
23 ~~cost estimates submitted by each publisher each September and the~~  
24 ~~amount included in the Budget Act and by making allowance for~~  
25 ~~the estimated costs to school districts for compliance with the~~  
26 ~~requirements of subdivisions (b), (f), and (g).~~

27 ~~(3) An adjustment to the amount of funding to be apportioned~~  
28 ~~per test may not be valid without the approval of the Director of~~  
29 ~~Finance. A request for approval of an adjustment to the amount of~~  
30 ~~funding to be apportioned per test shall be submitted in writing to~~  
31 ~~the Director of Finance and the chairpersons of the fiscal~~  
32 ~~committees of both houses of the Legislature with accompanying~~  
33 ~~material justifying the proposed adjustment. The Director of~~  
34 ~~Finance is authorized to approve only those adjustments related to~~  
35 ~~activities required by statute. The Director of Finance shall~~  
36 ~~approve or disapprove the amount within 30 days of receipt of the~~  
37 ~~request and shall notify the chairpersons of the fiscal committees~~  
38 ~~of both houses of the Legislature of the decision.~~

39 ~~(i) For the purposes of making the computations required by~~  
40 ~~Section 8 of Article XVI of the California Constitution, the~~

~~appropriation for the apportionments made pursuant to paragraph (1) of subdivision (h), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the State Department of Education and the contractor, shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for that fiscal year.~~

~~(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:~~

~~(1) The number of pupils enrolled in the school district in grades 3 to 11, inclusive.~~

~~(2) The number of pupils to whom an achievement test was administered in grades 3 to 11, inclusive, in the school district.~~

~~(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.~~

~~SEC. 2.—Section 60642 of the Education Code is amended to read:~~

~~60642.—(a) The Superintendent of Public Instruction and the State Board of Education may consider any evaluations of independent experts who have not been employed by a test publisher in the preceding 12 months regarding the suitability of the achievement tests submitted by publishers as required by subdivision (b) of Section 60605 for use as part of the STAR Program established by this article.~~

~~(b) Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 60605, the State Board of Education, in its sole discretion, based on the considerations set forth in Section 60644, shall designate for use as part of the STAR Program a single test in grades 3 to 11, inclusive.~~

~~(c) The State Board of Education shall ensure that the achievement test designated pursuant to subdivision (b) contains~~

1 the subject areas specified in subdivision (c) of Section 60603 for  
2 grades 3 to 8, inclusive, and the core curriculum areas of English  
3 and language arts, mathematics, and science for grades 9 to 11,  
4 inclusive.

5 (d) The State Board of Education is hereby authorized to  
6 designate the achievement test to be administered pursuant to this  
7 article for more than one academic year subject to the availability  
8 of funds.

9 (e) The board shall minimize, to the extent it deems feasible,  
10 the amount of testing time required by the assessment in  
11 subdivision (b) for those content areas for which there also exists  
12 a standards-based examination as provided for pursuant to Section  
13 60642.5.

14 SEC. 3. Section 60642.5 of the Education Code is amended  
15 to read:

16 60642.5. (a) The Superintendent of Public Instruction, with  
17 approval of the State Board of Education, shall provide for the  
18 development of an assessment instrument, to be called the  
19 California Standards Tests, that measures the degree to which  
20 pupils are achieving the academically rigorous content standards  
21 and performance standards, to the extent standards have been  
22 adopted by the State Board of Education. This standards-based  
23 achievement test shall contain the subject areas specified in  
24 subdivision (c) of Section 60603 for grades 3 to 8, inclusive, and  
25 shall include an assessment in history/social science in at least one  
26 elementary or middle school grade level selected by the State  
27 Board of Education and science in at least one elementary or  
28 middle school grade level selected by the State Board of  
29 Education, and the core curriculum areas specified in subdivision  
30 (e) of Section 60603 for grades 9 to 11, inclusive, except that  
31 history-social science shall not be included in the grade 9  
32 assessment unless the State Board of Education adopts academic  
33 content standards for a grade 9 history-social science course, and  
34 shall include, at a minimum, a direct writing assessment once in  
35 elementary school and once in middle or junior high school and  
36 other items of applied academic skill if deemed valid and reliable  
37 and if resources are made available for their use.

38 (b) In approving a contract for the development or  
39 administration of the California Standards Tests, the State Board  
40 of Education shall consider each of the following criteria:

- 1     ~~(1) The ability of the contractor to produce valid, reliable~~  
2     ~~individual pupil scores.~~
- 3     ~~(2) The ability of the contractor to report results pursuant to~~  
4     ~~subdivision (a) of Section 60643 by August 8.~~
- 5     ~~(3) The ability of the contractor to ensure alignment between~~  
6     ~~the standards-based achievement test and the academically~~  
7     ~~rigorous content and performance standards as those standards are~~  
8     ~~adopted by the State Board of Education. This criterion shall~~  
9     ~~include the ability of the contractor to implement a process to~~  
10    ~~establish and maintain alignment between the test items and the~~  
11    ~~standards.~~
- 12    ~~(4) The per pupil cost estimates of developing, and, if~~  
13    ~~appropriate, administering the proposed assessment with a system~~  
14    ~~to facilitate the determination of future per pupil cost~~  
15    ~~determinations.~~
- 16    ~~(5) The contractor's procedures to ensuring the security and~~  
17    ~~integrity of test questions and materials.~~
- 18    ~~(6) The contractor's experience in successfully conducting~~  
19    ~~testing programs adopted and administered by other states. For~~  
20    ~~experience to be considered, the number of grades and pupils~~  
21    ~~tested shall be provided.~~
- 22    ~~(c) The standards-based achievement tests may use items from~~  
23    ~~other tests including items from the achievement test designated~~  
24    ~~pursuant to Section 60642.~~

